

App. No. 10/009126  
Office Action Dated January 10, 2005  
Amd. Dated April 11, 2005

**Amendments to the Drawings**

The attached drawing sheet includes changes to Figures 1 and 2. In particular, legends have been added to Figures 1 and 2.

Attachment: Replacement Sheets

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### REMARKS

Applicant would like to thank the Examiner for telephone interview conducted on January 4, 2005 with Rob Kalinsky to discuss claims 1-15 in view of the Prior Art. An Examiners Amendment as suggested by the Examiner was also discussed, in particular amending claim 1 to incorporate limitations recited in dependent claims 2-6.

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claim 1 has been amended incorporating limitations recited in canceled claims 2-3 and 5-6, amendments are also supported, for example, at page 10, line 33 to page 11, line 1. Claims 2-15 have been canceled. New claim 16 incorporates limitations recited in claim 1 and canceled claims 2-6. No new matter has been added. Claims 1 and 16 are pending.

The drawings are objected to under 37 CFR 1.84(o) which requires legends on drawings. Figures 1 and 2 have been amended to incorporate legends. No new matter has been added.

### Claim rejections - 35 U.S.C. § 103

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al. (WO 98/18001) in view of Uto et al. (U.S. 5,886,625). Applicant respectfully traverses the rejection for at least the following reasons.

The rejection is rendered moot with regard to claims 2-15, as they have been canceled.

Claim 1 is directed to a process for anticipating a risk of spontaneous ignition and explosion of an explosive atmosphere in an environment. The environment comprises a group consisting of a grain silo, a center for storing coal dust, industrial dusts, animal or plant meals or chemical fertilizers or ammonium nitrates, driftways, pipe lines and storage tanks. The process measures a temperature of a mixture and any change over time from a time of creation of the

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atmosphere and determines a critical moment of spontaneous ignition and/or explosion of the mixture and uses a means for preventing spontaneous ignition and explosion.

Webber and Uto teach a confined environment as a fuel tank in a vehicle. Neither Webber nor Uto, alone or in combination, teach or suggest a process for anticipating a risk of spontaneous ignition and explosion of an explosive atmosphere in an environment by measuring a temperature of a mixture and any change over time from a time of creation of the atmosphere, determining a critical moment of spontaneous ignition and/or explosion of the mixture and using a means for preventing spontaneous ignition and explosion as required by claim 1. Withdrawal of the rejection is respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612)371.5265.


Respectfully submitted,

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Dated: April 11, 2005

JJG:mmm

By   
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